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Cathi H. Turner
Cathi H. Turner
Date of Signature November 15, 2004

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Dace et al.

Group Art Unit: 1639

Serial No.: 09/879,279

Examiner: Epperson, Jon D.

Filed: June 12, 2001

Docket No.: 1392/18/2

Confirmation No.: 3524

For: IN VITRO CAPTURE OF NUCLEIC ACIDS VIA MODIFIED
OLIGONUCLEOTIDES AND MAGNETIC BEADS

DECLARATION PURSUANT TO 37 C.F.R. § 1.131

Commissioner for Patents
Washington, D.C. 20231

Sir:

1. I, Gayle Dace, am a co-inventor of the invention disclosed and claimed in the subject above captioned U.S. Patent Application Serial No. 09/879,279.
2. I have had the opportunity to review the Official Action mailed on July 13, 2004 from the U.S. Patent and Trademark Office for the above-referenced U.S. patent application.
3. I have also reviewed the following documents cited by the United States Patent and Trademark Office in the Official Action mailed on July 13, 2004:

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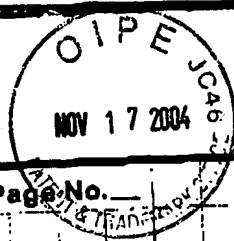
Serial No.: 09/879,279

- (a) U.S. Published Patent Application No. 2003/0077609 A1 (the '609 application), claiming priority to U.S. Provisional Patent Application No. 60/278,598; and
 - (b) U.S. Provisional Patent Application No. 60/278,598 (the '598 Application).
4. The invention embodied in claims 1-8, 11-24 and 31 of the subject U.S. patent application was invented prior to the earliest claimed priority date of March 25, 2001 of the '609 and '598 applications.
5. Attached hereto as **Exhibit A** is a true and accurate copy of consecutively numbered laboratory notebook pages documenting experiments performed involving the subject matter embodied in the pending claims, which pages are signed by me and a witness. Exhibit A provides evidence of the subject matter recited in the pending claims and predates the earliest claimed priority date of March 25, 2001 of the '609 and '598 applications.

I hereby declare that all statements herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 10/13/04

By: Gayle Dace, M.S.
Gayle Dace, M.S.



Project No. _____

Book No. _____

TITLE new LNA oligos

om Page No. _____

Sample ID	Net Abs 230.0nm	Net Abs 260.0nm	Net Abs 280.0nm	260.0/230.0	260.0/280.0	Dil Fact.	Conc.
TORREY1	0.1416	0.4132	0.2326	2.91867	1.77598	1.0000	413.1621
2	0.1436	0.4207	0.2366	2.93037	1.77819	1.0000	420.7299
TORREY2	0.0381	0.1470	0.0560	3.86056	2.62547	1.0000	146.9856
4	0.0457	0.1498	0.0586	3.27741	2.55746	1.0000	149.8367

IDO Number (Oligo ID)	Sequence	ODs (260 nm)	Anion Exchange Chromatography Results	Other Information
3985 Torrey-1	5'-BIOTIN-dGTT dGTT dGTT dGTT -3'	11.5	94.1 % 22 + 64-69% base	56°C - 85°C
3986 Torrey-2	5'-BIOTIN-GTG TGT GTG TGT-3'	3.5 oligo 5 Tm + 3-8% base	96.1 % 36	72°C - 80°C

1.8ul 1 µg non-linear tomato DNA 1.8ul 1 µg linear tomato DNA
 26.5 ng Oligo Torrey 2 26.5 ng Oligo 2
 Buffer F Buffer F
 80°C
 45 min

1 µg non-linear tomato lib 1 µg linear tomato library
 75 ng oligo 2 75 ng Torrey 2
 Buffer C Buffer C

To Page N. _____

Witnessed & Understood by me, GR - 100

Date _____

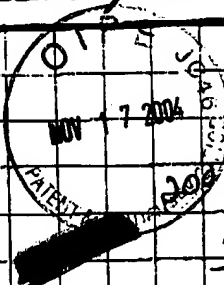
Invented by Hayden

Date _____

Recorded by _____

LNA capture that worked

Page No. _____

FNFL

2.5 μ l non-lin Tom library
 1.8 μ l Torrey 2 LNA
 45.7 μ l Buffer E
 50 μ l
 fur colonies

3 μ l lin library
 1.8 μ l
 45.2 μ l
 50 μ l
 no colonies

CNCL

76.4 ng
 50 μ l
 2.5 μ l non-lin Tom library
 2.6 μ l Torrey 2 LNA (1:5 dil)
 54.9 μ l Buffer C
 60 μ l

3 μ l lin library
 2.6 μ l
 54.4 μ l
 60 μ l
 no colonies

80°C for 30 min

90°C in 150 μ l Buffer E - 20 min

EtOH ~~out~~ (with 10 μ l H₂O)
 bring up in 100 μ l TE

purify with PCR kit

WORKEDT2NCO1 plate

complete protocol on p. 150

To Page No. _____

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Date

Invented by

Date

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